



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/717,458 | 11/20/2000 | James B. Nichols | 04259P006 | 8889 |

32641 7590 01/12/2007
DIGEO, INC C/O STOEL RIVES LLP
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

| |
|----------|
| EXAMINER |
|----------|

BOCCIO, VINCENT F

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2621

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/12/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/717,458

Applicant(s)

NICHOLS ET AL.

Examiner

Vincent F. Boccio

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 27 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 7-12,23-26 and 36-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,13-22,27-35 and 39-53 is/are rejected.
- 7) ☒ Claim(s) 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2621

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments with respect to amended claims 1, 17, 29, 33, 34, 39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-6, 13-22, 27-30, 33-35, 39-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Meulen (US 6,563,769) in view of Miller (US 6,208,612) and Itoh et al. (US 5,631,888).

Regarding claim 1, Meulen, discloses and meets the limitations associated with a multimedia transfer apparatus comprising:

Art Unit: 2621

- a housing and a plurality of readers disposed adjacent one another with (Fig. 2, "200", having a plurality of HD s or Hard Drives and col. 4, lines 9-25 and Fig. 2, readers met by Hard Drives, which can read and write to and from the Hard drives;
- a data communication interface configured to allow for data transfers (200) within the housing.

Meulen fails to disclose in the housing having a CPU, main memory and non-volatile medium in communication with the CPU and encoder module or encoder modules, for encoding data read from the readers in a specific encoding format.

Miller teaches having a housing with a CPU, RAM and readers and writers (Fig. 1, "copy unit 20", CPU, col. 3, lines 8-15, col. 6, lines 29-30, Ram, col. 4, line 19, readers col. 3, lines 10-12, "all CD-R disk drive heads"), read master disks (col. 6, lines 45-49), also see col. 7, lines 35- and also teaches at col. 1, line 62, "Copy speed versus accuracy is solved the CD-R disk writer is configured to concurrently copy the data onto multiple CD-R disks, therefore, parallel copying or burning the CD-R media and further mentions discloses at col. 8, lines 63-, reformatting to ensure optimum recording speed and accuracy, as taught by Miller.

Itoh teaches mastering disc recording apparatus which provides the capability to encode at EU 1-n, are provided with encoding capability for copying or mastering video material which can originate as cinema video by a telecine camera etc., each is provided with an encoder for encoding and compressing the output of the VTR source or a playback device performing compression using MPEG 1, or 2 standard, wherein each unit can perform formatting and recording to RM 1-3, which can be also done in parallel, as shown being separate processing paths, as taught by Itoh et al..

The examiner takes official notice that, it is well known that computer systems utilize a boot ROM which is a non-volatile memory, store a program or instructions used to execute booting up, when a power source is turned on, wherein the working Ram is used to store a program and information to execute functions of the computer controlled device, as is well known in the art.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify the combination by incorporating into a housing a plurality of readers and writers, CPU running a program and Ram store the program, as

Art Unit: 2621

taught by Miller and associated non-volatile memory for booting the computer based apparatus, as is conventional and to also provide for encoding of source material when not presented or provided in that form, such as providing analog video material to compress, by utilizing MPEG for compression, as taught by Itoh and to perform parallel processing during reproduction by readers, encoding when necessary and recording or copying read materials, as taught by Miller and Itoh, as taught by Miller provides teaching of unattended copying system or automated system.

Regarding claims 5-6, Meulen discloses CD or DVD for media sources to copy and associate drives and various media (cols. 3 & 5), therefore, it would have been obvious to copy data by reading from CDs or DVDs, as is obvious to those skilled in the art.

Claims 17, 21-22, 29, have been analyzed and discussed with respect to the claims above, claim 29 recites first, second and third readers and claim 33 recites a fourth and fifth readers, deemed obvious with respect to the combination such as Itoh EU 1 to RU 1, EU 2 to RU 2 and EU n to RU n, it is further deemed obvious the duplication of five or more in view of Itoh.

Regarding claims 30-32, Meulen further discloses and meets the limitations of identifying and reading first, second, even third, CD, DVD related data stored to a database, being searchable or reading from the database, col. 5. "storage of identification 321 and information 341".

Regarding claim 39, Meulen meets the limitations of transporting a multimedia transfer device, to a user's home, reading, encoding, storing and/or archiving, wherein a mass storage at the user's home (col. 3, lines 22-, Fig. 2).

Regarding claim 40, Meulen further meets the limitation of indexing the content on the mass storage on behalf of a/the user (Fig. 6 A, "Joe's", col. 2, home computer or PC).

Regarding claim 41, Meulen further meets the limitation of identifying, content, with a coded transmitted over a network link from a user's home to a content database and downloading information related to the content from the database (col. 5,

Art Unit: 2621

searchable database), search the database from a user's PC at home.

Regarding claims 43, 44, 45, 46, 47, Meulen further provides for identification information, such as title and track information (col. 5, title, & performer, etc. of each selection of the CD, or each song or program, on songs on tracks), wherein the title is of the album/CD/DVD, cover or disc or CD or DVD cover information of captures or used (col. 5), lyrics (col. 4, lines 49-54, "lyrics"); wherein further providing information related to the artist (col. 5, see "performing"), interactive content met by hyperlink address related to the recording (col. 4, lines 50-).

Regarding claims 50, 51, Meulen further meets the limitations of downloading concurrently with the transferring (col. 6, lines 53-, "material can be buffered into storage and then presented from storage and processed from storage simultaneously"), wherein the transferring can be done after archiving.

Regarding claim 52, Meulen is deemed to meet the limitation of monitoring efficiency with which the content is transferred (col. 6, lines 56, "the difference of rate causes the buffer to approach its limit of capacity, at which time the processing is slowed down").

The rejection of claims 2-4 and 13-16, 18-20, 27-28, 34-35, 42 and 53 of the last action is incorporated by reference.

Allowable Subject Matter

1. Claim 54 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose, suggest or anticipate claim 54, as recited, that performance parameters include, disc processing rate, transfer apparatus duty cycle and length of time one or more drives are empty.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2621

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be faxed to:


(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent

1/6/07


VINCENT BOCCIO
PRIMARY EXAMINER